

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Noel John DE SOUZA, et al.

Application No.: 10/671,040

Group No.: 1625

Filed: September 25, 2003

Examiner: Huang, Evelyn Mei

For: CRYSTALLINE FLUOROQUINOLONE ARGININE SALT FORM

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

PETITION FOR SUSPENSION OF PROSECUTION UNDER 37 C.F.R. § 1.103

NOTE: 37 C.F.R. § 1.704(c): "Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(1) Suspension of action under § 1.103 at the applicant's request, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date a request for suspension of action under § 1.103 was and ending on the date of the termination of the suspension . . ." (*Not for RCE, see 103(c) 9-68*)

1. Applicant petitions for the suspension of action in this application.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)


☒ with sufficient postage as first class mail.

37 C.F.R. Section 1.10*

☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office to (703) 872-9306


Signature

Date: January 10, 2005

Janet I. Cord

(type or print name of person certifying)

- Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition for Suspension of Prosecution--page 1 of 2) 9-18

2. Status of application

(complete (a) or (b))

(a) ☐ No outstanding action exists in this application.

(b) ☒ With respect to the action mailed on July 8, 2004, a response

☐ was filed on
☒ is attached.

NOTE: No petition for suspension of action will be granted in an application when a response by the applicant to an Office Action is required. (37 C.F.R. § 1.103(a)).

3. Fee Payment (37 C.F.R. § 1.17(g))

☒ Please charge the petition fee of \$200.00 to Account 12-0425. A duplicate of this petition is attached.

☐ A check in the sum of \$200.00 is attached.

4. Term requested for suspension

The suspension of action is requested for the reasonable time period of 3 months.

NOTE: The maximum period that an initial suspension of prosecution will be granted for is 6 months. M.P.E.P. § 709.

5. Reason for suspension request

The suspension of action is requested for good and sufficient cause, as indicated below:

Suspension of prosecution is requested to conduct additional experiments and/or prepare showings to establish that the claimed invention is novel and nonobvious.


SIGNATURE OF PRACTITIONER

Reg. No.33,778

Janet Cord
(type or print name of practitioner)

Tel. No.:212-708-1935

P.O. Address

Customer No.:

c/o Ladas & Parry LLP
26 West 61st Street
New York, N. Y. 10023